

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WADE ALAN KNIGHT,

Plaintiff,

v.

CITY OF ELKO, *et al.*,

Defendants.

Case No. 3:22-cv-00343-ART-CLB

ORDER

Pro se Plaintiff Wade Alan Knight (“Knight”) brings this action under 42 U.S.C. § 1983. Plaintiff has submitted applications to proceed *in forma pauperis*, (ECF Nos. 1, 4, 5), and a civil rights complaint (ECF No. 1-1). Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla Baldwin (ECF No. 6), recommending that: 1) Plaintiff’s *in forma pauperis* applications (ECF No. 1, 4, 5), be denied as moot; 2) the Clerk file Knight’s complaint, (ECF No. 1-1); and 3) Plaintiff’s complaint, (ECF No. 1-1) be dismissed without prejudice, but without leave to amend. Plaintiff had until September 29, 2022 to file an objection. Plaintiff filed an objection on September 26, 2022, but the objection did not contain any arguments on the merits. Instead, Plaintiff explained 1) his lack of access to a law library sufficient to research *Younger* Abstention; 2) his understanding that Judge Baldwin ordered the complaint to be dismissed because of his ongoing criminal proceeding; and 3) his request for a copy of his original complaint. (ECF No. 7). Because the Court agrees with Judge Baldwin’s analysis as to Plaintiff’s Motions, the Court adopts the R&R, and will take the recommended actions.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where

1 a party fails to object to a magistrate judge's recommendation, the Court is not
2 required to conduct "any review at all . . . of any issue that is not the subject of
3 an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
4 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the
5 magistrate judges' findings and recommendations is required if, but *only* if, one
6 or both parties file objections to the findings and recommendations.") (emphasis
7 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
8 the Court "need only satisfy itself that there is no clear error on the face of the
9 record in order to accept the recommendation.").

10 Because there is no objection to the merits of Judge Baldwin's Report and
11 Recommendation, the Court need not conduct de novo review, and is satisfied
12 Judge Baldwin did not clearly err. Here, Judge Baldwin recommends 1) Plaintiff's
13 *in forma pauperis* applications (ECF No. 1, 4, 5), be denied as moot; 2) the Clerk
14 file Knight's complaint, (ECF No. 1-1); and 3) Plaintiff's complaint, (ECF No. 1-1)
15 be dismissed without prejudice, but without leave to amend. (ECF N0.6). Judge
16 Baldwin recommends that the Court dismiss Plaintiff's complaint because
17 Plaintiff has an ongoing criminal case, and all of the prerequisites of *Younger*
18 abstention doctrine are met. (ECF No. 6 at 4). Because Judge Baldwin
19 recommends dismissing the complaint, she also recommends the Court deny as
20 moot Plaintiff's *in forma pauperis* applications. (ECF No. 6 at 2). The Court agrees
21 with Judge Baldwin. Having reviewed the R&R and the record in this case, the
22 Court will adopt the R&R in full.

23 It is therefore ordered that Judge Baldwin's Report and Recommendation
24 (ECF No. 6) is accepted and adopted in full.

25 It is further ordered that the *in forma pauperis* applications, (ECF Nos. 1,
26 4, 5), be denied as moot.

27 It is further ordered that the Clerk file Plaintiff's complaint. (ECF No. 1-1).
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1 It is further ordered that the Clerk send Plaintiff a copy of his complaint
2 (ECF No. 1-1).

3 It is further ordered that the complaint, (ECF No. 1-1), be dismissed
4 without prejudice, but without leave to amend.

5 The Clerk of Court is respectfully directed to close this case.

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7 DATED THIS 19th Day of July 2023.

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ANNE R. TRAUM
11 UNITED STATES DISTRICT JUDGE
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